

### REMARKS

Claims 13-17 are now pending in the application. Claims 13-17 stand rejected. Claims 18-20 are new. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### ELECTION/RESTRICTIONS

The undersigned gratefully acknowledges the Examiner's acceptance of our election without traverse of invention III, Claims 13-17, in the reply filed July 21, 2005, wherein Claims 1-12 were cancelled.

### DRAWINGS

The undersigned also gratefully acknowledges Examiner's acceptance of the drawings filed with the application on February 26, 2004.

### REJECTION UNDER 35 U.S.C. § 103

Claims 13-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stratman (U.S. Pat. No. 2,854,871; hereinafter "Stratman") in view of Wells (U.S. Pat. No. 5,071,293; hereinafter "Wells"). This rejection is respectfully traversed.

At the outset, Applicants note that independent Claim 13 recites:

actuating the valve assembly to a first condition such that the compressed fluid actuates an on/off trigger **on the pneumatic tool to turn the pneumatic tool on**; and

actuating the valve assembly to a second condition such that the compressed fluid does not actuate the on/off trigger on the pneumatic tool thereby turning the pneumatic tool off.

(emphasis added)

Applicants respectfully submit that these features as claimed are not taught or suggested whatsoever by Stratman or Wells, either alone or in combination.

With regard to Stratman, Applicants note that Stratman, at best, appears to disclose an improved depth control stop for a rotary air feed drill, which operates through a stem 18, which contacts a bleed valve 3 to open the valve 3 when a desired depth is reached. The opening of the valve 3 reduces air pressure in a conduit 19, which causes a control valve 37 to close in order to turn the drill off. (See at least Column 1, Lines 15-18 and Column 4, Lines 6-14.) Stratman does not disclose whatsoever controlling the start-up of a pneumatic tool with a compressed fluid, nor does Stratman disclose whatsoever actuating a trigger with a compressed fluid, as claimed in Applicants' invention. In addition, Wells does not remedy the shortcomings of Stratman.

With regard to Wells, Applicants respectfully submit that Wells appears to disclose a feed rate regulator for a hand-held drill. As shown in Figure 1 of Wells, the trigger on the handle 15 must be actuated by an operator. Thus, Wells does not teach or suggest whatsoever the operation of a trigger through the use of a compressed fluid. In addition, Applicants respectfully assert that it would be improper to modify either Stratman or Wells to arrive at Applicants' invention, as neither Stratman nor Wells teach the desirability of such modification.

Accordingly, as neither Stratman nor Wells appears to teach Applicants' invention as claimed in independent Claim 13, Applicants respectfully submit that independent Claim 13 is patentable and in condition for allowance for at least these

reasons. In addition, as Claims 14-17 depend from independent Claim 13, Applicants respectfully submit that these claims are also patentable and in condition for allowance.

Reconsideration and withdrawal of this rejection are respectfully requested.

#### **NEW CLAIMS**

Applicants have added new Claims 18-20. Support for these claims can be found in the specification as filed; thus, the addition of these claims does not constitute new matter. Applicants respectfully submit the features in Claims 18-20 are also not taught or suggested by Stratman or Wells, either alone or in combination and, therefore, new Claims 18-20 are also patentable and in condition for allowance.


#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 1/16/06

By:   
Mark D. Elchuk, Reg. No. 33,686  
Erica K. Schaefer, Reg. No. 55,861

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MDE/EKS/ng/lf-s  
G:\eschaefer\7784\000600-699\000639\Amendment due 1-18-06\Amendment.doc